

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BRIAN ARMON DUCKSWORTH,

Plaintiff,

v.

WARDEN LIZZIE TEGELS and
JACKSON COUNTY ADMINISTRATOR
JOHN/JANE DOE,

Defendants.

ORDER

Case No. 23-cv-479

This case was closed after the court did not receive a certified copy of plaintiff's six-month trust fund account statement so that a determination could be made as to whether plaintiff qualified for indigent status, and, if so, assess plaintiff an initial partial filing fee. Now, plaintiff requests to have the case reopened because he had moved to a different institution and did not receive the court's order. Plaintiff's motion will be granted. After considering the six-month trust fund account statement submitted in plaintiff's recently filed case 23-cv-567-wmc, the court concludes that plaintiff qualifies for indigent status.

Even when a prisoner litigant qualifies for indigent status, a portion of the fee must be paid as determined by the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from plaintiff's trust fund account statement in case 23-cv-567-wmc, I calculate plaintiff's initial partial filing fee to be \$35.49. For this case to proceed, plaintiff must submit this amount on or before September 18, 2023.

If plaintiff does not have enough money to make the initial partial payment from plaintiff's regular account, plaintiff should arrange with prison authorities to pay the remainder from plaintiff's release account.

ORDER

IT IS ORDERED that plaintiff Brian Armon Ducksworths motion to reopen this case is GRANTED. Plaintiff may have until September 18, 2023 to submit a check or money order made payable to the clerk of court in the amount of \$35.49 as the initial partial payment assessed in this case. If, by September 18, 2023, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 25th day of August, 2023.

BY THE COURT:

/s/
ANDREW R. WISEMAN
United States Magistrate Judge